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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Denis Montagutelli

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11/14/2008

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EXAMINER

CULLER, JILL E

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,878	<b>Applicant(s)</b> MONTAGUTELLI, DENIS	
	<b>Examiner</b> JILL E. CULLER	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 4,8,10-17 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7,9,18 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050419</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election without traverse of Group II in the reply filed on August 12, 2008 is acknowledged. Claims 4, 8, 10-17 and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Specification***

35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

On page 2, lines 17-18, the terms "easily reversible" and "nesting means" appear to be literal translations of terms for connecting parts of a structure and are not generally used in this manner. It is unclear exactly how the structures are "easily reversible" as there is no forward or reverse direction. Likewise, the parts appear to be merely connected to one another, where "nesting" is generally used to indicate structures which fit inside one another.

On page 2, line 24, it appears that "La fig. 2" should be -- Fig. 2 instead. The general convention is that all usages of the abbreviation "Fig." should be capitalized.

These and many more instances of idiomatic and inexact language are found throughout the specification and should be reviewed carefully.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-7, 9, 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The following are examples of this language, but the claims should be examined in their entirety to identify further errors.

Although claims 1-2 have been examined with respect to the prior art, because the scope of claim 3 is unclear, the remainder of the claims will not be examined on the merits at this time.

In claim 1, on line 4, the phrase "a thermal printing head of a band conditioned into a roll" is unclear. The preposition "with" would be more appropriate than "of". More significantly, from the disclosure it appears that applicant intends to claim a band of printing media, however a thermal printing head is often associated with a band of

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thermal ribbon and the claim language does not clearly identify which type of band applicant intends to claim. It is assumed that applicant intends a band of printing media.

In claim 1, on line 7, the phrase "magazine holding the roll against the thermal print head" is unclear because the magazine in the disclosure does not appear to be near the print head. It appears that the phrase "against the thermal printing head" is unnecessary and the claim has been examined this way.

In claim 1, on line 19, the phrase "second carrying member" appears to refer back to the "second member carrying electronic control means" on line 13. This phrase does not provide proper antecedent basis for the "second carrying member" and the claim language should be amended to more clearly indicate the connection.

In claim 1, on lines 20-21, the phrase "partaking of the general printing control means" is idiomatic and unclear. It appears that applicant intends this to refer to the operator using the controls but the word "partaking" is not generally used in this context.

In claim 1, on line 23, there is no antecedent basis for the phrase "the driving means". It appears from the disclosure that applicant intends this to refer to the "means for controlling the operation of the printer by the operator" but the claim language does not directly connect these phrases. The claim language must be amended to clarify this connection and to distinguish "the driving means" from the "motorized means for driving the band" found on line 8 of the claim.

In claim 1, on line 24, the phrase "first carrying member" appears to refer back to the "first member carrying the band roll" on line 11. This phrase does not provide proper

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antecedent basis for the "first carrying member" and the claim language should be amended to more clearly indicate the connection.

In claim 1, on line 24, the phrase "the latter" appears to be referring to the first carrying member, but this phrase is generally used following a list to indicate the last item on the list and does not appear to be appropriate in this context.

In claim 1, on line 25, the phrases "nesting means" and "easily reversible" are not generally used in a context such as applicant has illustrated in the drawings. It is unclear exactly how the structures are "easily reversible" as there is no forward or reverse direction. Likewise, the parts appear to be merely connected to one another, where "nesting" is generally used to indicate structures which fit inside one another.

In claim 1, on lines 25-27, the phrases "partaking of the first module" and "partaking of the second module" are idiomatic and unclear. It appears that applicant intends this to refer to the operator using the controls but the word "partaking" is not generally used in this context.

In claim 2, on line 3, the recitation of a "first elementary nesting means" appears to be a double recitation of the "general nesting means" recited in claim 1, on line 25. It is unclear if this is the case, or if this claiming an additional nesting means.

In claim 2, on line 4, the recitation of "first electronic control means" appears to be a double recitation of the "electronic control means" recited in claim 1, on line 21. It is unclear if this is the case, or if this is claiming an additional electronic control means.

In claim 3, on line 3, the recitation of “second electronic control means... substitutive of electronic control means” does not appear to be possible. If applicant intends to substitute this control means for the electronic control means recited in claim 1, on line 21, it is unclear how the invention contains both control means as claimed. Likewise, on lines 6-7, the recitation that the “second electronic control means... comprise means analagous to the first electronic control means” would seem to indicate that the recitation of both first and second electronic control means was redundant. Until this is made clear, the invention cannot be examined on the merits, as the examiner is unable to determine the scope of this claim.

In claim 3, on line 5, the recitation of “second elementary nesting means” appears to be a double recitation of the “general nesting means” recited in claim 1, on line 25. It is unclear if this is the case, or if this claiming an additional nesting means.

In claim 3, on lines 8-10, it is unclear what is intended by the phrase “complemented any at least management means specific to...” Further, it is unclear how the remainder of the claim language “... of specific electronic control means....” is connected to the rest of the claim. The language is such that the examiner is unable to determine how these phrases are related and therefore unable to examine the claim.

Similar grammatical problems are found in claims 5, 9, 18 and 19. In addition, in claims 18-19 there is no antecedent basis for the recitation of “the stand-alone source of electric energy” as this has not been previously claimed. Also, in claim 18, there is no antecedent basis for the recitation of “the shell” as no shell has been previous claimed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,734,710 to Sato et al. in view of U.S. Patent No. 6,203,321 to Tomasik et al. and U.S. Patent No. 5,276,527 to Sugiyama et al.

Please note, these claims have been examined based upon the examiner's best interpretation of the intentions of applicant's claims, as limited by the imprecise claim language detailed in the above rejection under 35 U.S.C. 112.

With respect to claim 1, Sato et al. teaches a thermal printer, 1, composed globally of a plurality of modules assembled together in an implicit reversible manner said printer associating: a) a thermal printing head, 20, a band or printing media, T, conditioned into a roll, the thermal printing head slaved to electronic means, 26, for controlling the operation thereof, which are fitted with associating means respectively for a source of electric energy, 27, for the general printing control means, and for the thermal printing head, b) means, 19, for conveying the band to the thermal printing head, said conveying means comprising motorised means, M, for driving the band, and a resilient back-up roll, 21, holding the band against the printing head, c) a first carrying member, 10, rotatably carrying the band roll, d) a second member, 2a, carrying the electronic control means, 26, fitted with connecting means, wherein the thermal printer



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comprises: a) a first module formed mainly of a printing mechanism comprising a chassis carrying the printing head, motorised means, M, for driving the band, and a flexible connector, 51, for associating the printing mechanism with the electronic control means, the first carrying member, provided with connecting means b) a second module mainly composed of the second carrying member, which supports on the one hand means, 6, for controlling the operation of the printer by the operator connected to the general control means, and on the other hand the electronic control means as well as the means wherewith they are fitted for association with the source of electric energy, 27, with remote control means connected to the general printing control means, and the driving means.

Sato et al. does not teach a magazine holding the roll of printing media, a cutter for the separation of a portion of the media after printing, or a third module mainly composed of the first carrying member, the latter being provided with connecting means to the chassis of the first module second carrying member on the second module.

Tomasik teaches a printer composed globally of a plurality of modules assembled together in an implicit reversible manner to enable, from a combination of modules, to provide a range of distinct printers, said printer, 10, associating a first module, 1, formed mainly of a printing mechanism and a second module, 2, 3, mainly composed of a carrying member for conveying a roll of printing media connected with connecting means.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Sato et al. to have a third module, comprising a

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support carrying the printing media, as taught by Tomasik, in order to be able to substitute different modules using different sizes of paper to accommodate different printing requirements.

Sugiyama et al. teaches a thermal printer having a magazine, 60, holding a roll of printing media, see column 11, lines 24-40, and a recording paper cutting means positioned to separate a portion of the media after printing. See column 7, line 68 - column 8, line 2.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Sato et al. to have a magazine and recording paper cutting means, as taught by Sugiyama et al., in order to be able to more readily insert and replace the rolled paper media and to provide printer output in the form of individual sheets.

With respect to claim 2, Sato et al. teaches that the second carrying member, 2a, comprises a first support, 3a, fitted with means co-operating with connecting means installed on the first carrying member, 47, 59, said first support carrying the driving means, 6, as well as first electronic control means and related associating means. See column 3, lines 28-44, column 4, lines 4-15 and Fig. 1.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JILL E. CULLER whose telephone number is (571)272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

/Jill E. Culler/  
Primary Examiner, Art Unit 2854